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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE.

In re the Application of:

Ronald A. KATZ

Serial No.: 09/270,241

Filed: March 15, 1999

For: TELEPHONIC-INTERFACE
STATISTICAL ANALYSIS SYSTEM

Group Art Unit: 2743

Examiner: S. Woo

Office Action mailed:

July 20, 1999

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Assistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT AND RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action dated July 20, 1999, please amend the above-identified patent application as follows:

IN THE CLAIMS:

Please amend claims 29, 31, and 35 as follows.

29. (Amended) A control system for use with a communication facility including remote terminals for individual callers, wherein each of said remote terminals comprises a telephonic instrument including a voice communication device, and a digital input device in the form of an array of alphabetic numeric buttons for providing caller data signals, said control system comprising:

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Reena Kuyper, Registration No. 33,830

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a processor unit for processing said caller data signals supplied by individual callers actuating said remote terminals;

interface structure for interfacing said communication facility to said processor unit wherein said interface structure receives data signals prior to the close of communication with the caller, including called number data signals (DNIS) and calling number identification data signals automatically provided by said communication facility and said caller data signals **[developed by]** supplied by the individual callers actuating said remote terminals;

C1 voice generator for providing prompts to said individual callers in response to which said individual callers provide said caller data signals, said caller data signals including caller qualification data for qualifying callers; and

means for controlling said processor unit in accordance with said called number identification data signals (DNIS) to process at least certain of said caller data signals in accordance with a select format from a plurality of formats identified by said called number identification data signals (DNIS).

C2 31. (Amended) An analysis control system for controlling order of items for use with a communication facility including remote terminals for individual callers, wherein each of said remote terminals comprises a telephonic instrument including a voice communication device and a digital input device in the form of an array of alphabetic numeric buttons for providing data and wherein said communication facility has a capability to automatically provide terminal digital data, indicating a calling number, said analysis control system comprising:

interface structure coupled to said communication facility to interface said remote terminals for voice and digital communication and including means to provide caller data signals representative of data relating to said individual callers provided from said remote terminals or automatically provided by said communication facility with respect to the remote terminals prior to the close of communication with the caller, including caller social security number identification data entered by the caller via the digital input device and said terminal digital data indicative of a calling telephone number;

record testing structure connected to receive and test said caller data signals indicative of said terminal digital data representative of a calling telephone number and

C2
said caller social security number identification data against previously stored terminal digital data and caller social security number identification data; and
analysis structure for receiving and processing said caller data signals including item number data for ordering particular items under control of said record testing structure.

C3
35. (Amended) An analysis control system for use with a communication facility including remote terminals for individual callers, wherein each of said remote terminals comprises a telephonic instrument including a voice communication device and digital input device in the form of an array of alphabetic numeric buttons for providing data and wherein said communication facility has a capability to automatically provide terminal digital data, indicating a calling telephone number, said analysis control system comprising:

interface structure coupled to said communication facility to interface said remote terminals for voice and digital communication and including means to provide caller data signals representative of data relating to said individual callers provided from said remote terminals or automatically provided by the communication facility with respect to the remote terminals prior to the close of communication with the caller, including caller personal identification data entered by the caller via the digital input device and said terminal digital data indicative of a calling telephone number;

record testing structure connected to receive and test said caller data signals indicative of said terminal digital data representative of said calling telephone number and said caller personal identification data against previously stored terminal digital data and caller personal identification data;

storage structure for storing certain of said data provided by said individual callers including item number data for ordering particular items; and

analysis structure for receiving and processing said caller data signals under control of said record testing structure.

[Please add the following new claims:]

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39. A control system according to claim 29, wherein said processor unit generates data identifying the order and provides the data to the individual callers.

~~40.~~ ⁴ A control system according to claim ~~39~~ ³, wherein the data identifying the order is number data.

~~41.~~ ⁵ A control system according to claim ~~40~~ ⁴, wherein the number data is provided as acknowledgement data to the individual callers.

~~42.~~ ⁶ A control system according to claim ~~40~~ ⁴, wherein the number data is provided in chronological sequence.

~~43.~~ ⁷ A control system according to claim ~~39~~ ¹, wherein the qualification data is indicative of a consumable key.

~~44.~~ ⁴⁴ A control system according to claim ~~31~~ ³¹, wherein said analysis structure further comprises a processor that generates data identifying an order and provides the data to the individual callers.

~~45.~~ A control system according to claim ~~44~~, wherein the data identifying the order is number data:

~~46.~~ A control system according to claim ~~45~~ wherein the number data is provided as acknowledgement data to the individual callers.

~~47.~~ A control system according to claim ~~45~~ wherein the number data is provided to the individual callers in chronological sequence.

^{Sub 23} ~~48.~~ A control system according to claim ~~35~~, wherein said analysis structure further comprises a processor that generates data identifying an order and provides the data to the individual callers.

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~~49~~. A control system according to claim ~~35~~¹¹, wherein the data identifying the order is number data.

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~~50~~. A control system according to claim ~~49~~¹⁸ wherein the number data is provided as acknowledgement data to the individual callers.

²⁰
~~51~~. A control system according to claim ~~49~~¹⁸ wherein the number data is provided to the individual callers in chronological sequence.

⁵². A method for controlling an order of an item or items for use with a communication facility including remote terminals for individual callers, wherein each of said remote terminals comprises a telephonic instrument including a voice communication device and a digital input device in the form of an array of alphabetic numeric buttons for providing data and wherein said communication facility has a capability to automatically provide terminal digital data, indicating a calling number, said method comprising the steps of:

interfacing said remote terminals for voice and digital communication and receiving data signals prior to the close of communication from callers at said remote terminals including said caller data signals developed by said remote terminals;

providing prompts to said individual callers in response to which said individual callers provide said caller data signals, said caller data signals including caller qualification data for qualifying callers;

receiving from said callers customer number data in addition to one other form of identification data;

verifying said customer number data and said other form of identification data entered by said callers;

receiving from said callers order data including item data entered by said callers via said digital input device;

receiving from said callers additional data relating to said item data;

processing said caller entered data to implement said order; and

providing individual callers with computer generated data to identify said order for individual callers.

53. A method according to claim 52, further comprising the step of:
generating data identifying the order and providing the data to the individual callers.

54. A method according to claim 53, wherein the generating step includes providing
number data as the data identifying the order.

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22.
55. A method according to claim 53, wherein the data identifying the order is
provided to the individual callers as acknowledgement data.

23.
56. A method according to claim 54, wherein the number data is provided to the
individual callers in chronological sequence.

57. A method according to claim 52, wherein the data identifying the order also
identifies a mail order house.

58. A method according to claim 52, wherein data identifying the order facilitates
tracing.

59. A method according to claim 52, further comprising the step of:
receiving called number identification signals (DNIS) automatically provided by
said communication facility as a part of said data signals.

60. A method according to claim 52, further comprising the step of:
receiving calling number identification signals automatically provided by said
communication facility as a part of said data signals.

61. A method according to claim 60, wherein the receiving step includes receiving
calling number identification signals automatically provided by said communication facility as a
part of said data signals.

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~~62~~. A method according to claim ²¹~~52~~, wherein in response to prompts said individual callers enter credit card data.

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~~63~~. A method according to claim ²⁹~~62~~, wherein in response to prompts said individual callers enter data on a type of credit card.

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64. A method according to claim ~~62~~ wherein said callers enter credit card expiration data as credit card data.

REMARKS

This Amendment is in response to the office action dated July 20, 1999. The office action rejected pending claims 29-36. In this response, claims 29, 31 and 35 are amended and arguments that point out the differences between the pending claims and the asserted prior art are presented. Also, new claims 39-64 are presented for the Examiner to consider. Applicant respectfully requests reconsideration of this application.

I. Rejection of Claims 29-38 Under the Judicially Created Doctrine of Double Patenting

In paragraph 2 of the office action, the Examiner rejected claims 29-38 under the judicially created doctrine of double patenting over claims 11, 14, and 25 of U.S. Patent No. 4,845,739. Although the rejected claims are different from the claims of the '739 patent, Applicant is submitting a terminal disclaimer (*attached*) to obviate the double patenting rejection.

II. Rejection of Claims 29-30 Under 35 U.S.C. Section 103(a)

In paragraph 4 of the office action, claims 29-30 are rejected under 35 U.S.C. Section 103(a) as unpatentable over Gordon et al. (Gordon) in view of Riskin.

Claim 29 is different from both Gordon and Riskin, considered alone, or in combination, in several ways. Claim 29 requires processing of caller data signals including caller qualification data supplied by the individual callers prior to the close of communication with the individual callers. The Examiner relies on Gordon in rejecting claim Applicant's claim 29, indicating that Gordon is different from claim 29 only in that the caller is prompted by vendor personnel. To

satisfy the deficiency noted by the Examiner, she relies on Riskin for teaching the desirability of using a voice generator. Applicant respectfully submits that, in Gordon, the vendor personnel is discussed only in the context where a caller is verified and it is determined that the caller is not a subscriber. In such a case, *"the vendor is enabled to solicit a subscription to the service"* and with *"this solicitation, the customer may desire to pay for a subscription by dialing in a credit card number for verification and charging on the spot"* (see Gordon, col. 2, lns. 65-68 and col. 3, lns. 1-3). Gordon, mentions vendor personnel again to indicate that when a customer is not entitled *"the processor notifies vendor personnel to solicit the customer for a subscription and billing information such as a credit card which can be verified on a dial-up basis."* There is no teaching in Gordon that suggests that a customer's communication with vendor personnel occurs during the same call in which the customer requests a particular selection.

Claim 29 is amended to further emphasize that aspect. The Examiner is respectfully requested to withdraw her rejection of claim 29. Claim 30 depends on claim 29 and is distinct for the same reasons urged with respect to claim 29.

III. Rejection of Claims 31-38 Under 35 U.S.C. Section 103(a)

In paragraph 5 of the office action, the Examiner rejected claims 31-38 under 35 U.S.C. Section 103(a) as unpatentable over Gordon in view of Troy et al. (Troy).

Both claims 31 and 35 require testing of data (social security in claim 31 and caller personal identification data in claim 35) entered by the caller and processing caller data signals (including terminal digital data) under control of such testing. The Examiner indicates that Gordon differs from claim 29 in that it does not specify a caller's social security and relies on Troy for a teaching of that difference. It is respectfully submitted that Gordon does not specify a caller's social security for good reason. Not only does Gordon not specify a caller's social security, it does not specify caller entry of data for ordering an item. It seeks to automate the entire pay-per-view process by qualifying callers based on their automatic number identification provided by the originating telephone office. Use of a caller's social security in Gordon's system would be impractical as there is no mechanism of providing such data without interaction with the callers to obtain that data. Accordingly, Applicant submits that Gordon defies a combination with Troy.

Applicant respectfully requests the Examiner to withdraw her rejection of claims 31-38. In any event, claims 31 and 35 are further amended to emphasize caller entry of data.

IV. Discussion of New Claims 39-64

Applicant has introduced new claims 39-64 for the Examiner's consideration. Claims 39-51 ultimately depend on either of claims 29, 31 or 35 and are directed to familiar concepts. Claim 52 is an independent claim directed to a method for controlling order of items for use with a communication facility. The claimed method (1) interfaces remote terminals for voice and digital communication and receives data signals prior to the close of communication from callers at the remote terminals including the caller data signals developed by the remote terminals. It (2) provides prompts to the individual callers in response to which the individual callers provide the caller data signals. The caller data signals include caller qualification data for qualifying callers. The method (3) receives from the callers, customer number data in addition to one other form of identification data. It (4) verifies the customer number data and the other form of identification data entered by the callers. It (5) receives from the callers, order data including item data entered by the callers via the digital input device. It (6) receives from the callers, additional data relating to the item data. It processes the caller entered data to implement the order. And finally, it (7) provides individual callers with computer generated data to identify the order for individual callers. Claims 53-64 depend on claim 52 and are directed to familiar concepts.

CONCLUSION

The Examiner is respectfully requested to reconsider this application and pass it to issue.

Respectfully submitted,

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Dated: November 22, 1999

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